



FLORIDA HOUSE OF
REPRESENTATIVES

MARCO RUBIO,
SPEAKER

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This report is intended to supply basic understanding of the steps necessary to transform an idea into Florida Law. This report focuses on bills originating in the Florida House of Representatives. Accordingly, this report reviews key provisions of both the Florida Constitution and House Rules. The Rules of the Florida House of Representatives are available at www.myfloridahouse.gov. References to bills also apply to joint resolutions, unless otherwise noted.

IDEAS

ORIGIN OF LEGISLATION. Ideas that form the basis of legislation come from any number of sources. Members of the Florida House are everyday people with varied backgrounds and experiences who come to Tallahassee from all parts of the state. Those backgrounds and experiences serve as a prism through which members look at the issues and concerns of the people of Florida. Some individuals run for office in order to address a particular problem; others encounter issues during the course of their election campaigns that require attention. Citizens meet with their legislator to address certain concerns that suggest possible legislation. Formal lawmaking begins when a member of the Florida House decides to address such concerns by filing draft legislation that is approved as to form by the House Bill Drafting Service.

BILL REQUIREMENTS

Each bill filed in the Legislature must have three parts:

- A descriptive title, beginning: "A bill to be entitled an Act," along with a brief statement giving the Legislature and the public reasonable notice of the subject of the bill.
- An enacting or resolving clause, "Be it Enacted by the Legislature of the State of Florida".¹
- The body of the bill.

SINGLE SUBJECT.² Each bill must pertain to only one subject, except for the general appropriations bill and joint resolutions.³ The Florida Constitution requires that the subject be briefly expressed in the title of legislation. In addition, the issues prescribed in the legislation must be germane to such single subject.

CONSTITUTION AMENDMENTS. If the idea requires an amendment to the Florida Constitution, the bill is drafted as a Joint Resolution. Joint Resolutions are not limited to a single subject but must contain three parts:

- A descriptive title beginning: "A Joint Resolution proposing an amendment to the Florida Constitution".
- A Resolving Clause, "Be it resolved by the legislature of the State of Florida".
- The body of the Resolution.

BILL SPONSORSHIP.

A bill or a resolution has one primary author. No member may be added or deleted as a sponsor or cosponsor of a bill without the member's consent. A member desiring to be a co-sponsor must submit to the Chief Clerk a co-sponsorship request agreed to by the first-named sponsor. A member may withdraw as a cosponsor by submitting a request to the Chief Clerk.⁴

FILING DEAD-

LINES. No general bill, local bill, joint resolution, concurrent resolution (except one relating to extension of a session or legislative organization or procedures), substantive House resolution, or memorial is given first reading unless approved for filing with the Chief Clerk no later than noon of the first day of the regular session. No ceremonial resolution is given first reading unless approved for filing with the Chief Clerk prior to the 46th day of regular session. Resolutions and concurrent resolutions may regulate procedure but otherwise merely express an opinion of the House, or the House and Senate, without force of law. Similarly, House Memorials express the opinion of the House and Senate directed to the U.S. Congress on a national matter.

HOUSE BILL DRAFTING. All bills (other than a general appropriations bill, concurrent resolutions relating to organization of the Legislature, resolutions relating to organization of the House, reviser's bills, reapportionment bills or resolutions, and recall of acts from the Governor) shall either be prepared or, in the case of local bills, reviewed by the House Bill Drafting Service. After completion and delivery by the House Bill Drafting Service, no change may be made in the text or title of the bill without returning the bill to the House Bill Drafting Service prior to filing. The House Bill Drafting Service is a non-political,

non-partisan office that assists members in preparing legislation that meets legal muster and technically accomplishes the legislative goals of a Representative.

FILING. Once the bill has been prepared or approved by the House Bill Drafting Service, but prior to filing, the member is presented with the completed draft legislation. The member may have the draft bill changed to better reflect what he or she sought the legislation to accomplish. The bill may be rewritten any number of times prior to filing. Once the member is satisfied with the content of the proposed bill, he or she approves the bill and it is then automatically filed with the Chief Clerk's Office.

LIMITATION ON NUMBER OF BILLS FILED. A member may not file more than six bills for a regular session. Of the six bills, at least two must be approved for filing with the Chief Clerk no later than noon on January 9, 2007, and all bills must be filed prior to noon on March 6, 2007 the first day of the regular session.

Exceptions to this rule:

- (1) Local bills, including local claim bills.
- (2) Ceremonial House resolutions.
- (3) Memorials.
- (4) Concurrent resolutions relating to extension of a session or legislative organization or procedures.
- (5) Trust fund bills adhering to another bill.
- (6) Public records or public meetings exemption bills adhering to another bill.
- (7) General bills adhering to a joint resolution.

**IMPORTANT
DATES
2007**

March 6— OPENING DAY OF SESSION: All legislation (except one relating to extension of a session or legislative organization or procedures), must be filed with the Office of the Chief Clerk by noon.

April 14— LAST DAY TO NOTICE A BILL FOR RECONSIDERATION: No bill may be retained for reconsideration in a council or committee.

April 30— LATE SESSION AMENDMENT DEADLINES: Main floor amendments must be filed no later than 2 hours before session. Amendments to main floor amendments and substitute amendments for main floor amendments must be filed at least 1 hour after the main floor amendment deadline.

April 30— No House bills on second reading are considered by the House.

May 3— The House considers only: Senate Messages, Conference reports, Concurrent resolutions.

May 4— Anticipated date of *Sine Die*.

**IMPORTANT
DATES
2008**

January 8— BILL DRAFTING EARLY FILING DEADLINE: Two of six bills by 5 p.m.

January 22— EARLY FILING DEADLINE: Two bills must be filed with the Chief Clerk by noon.

January 25— BILL DRAFTING FILING DEADLINE: By 5 p.m. a member must request submission for all other bills (including requests for companion bills) subject to the opening-day deadline.

March 4— OPENING DAY OF SESSION: All legislation (except one relating to extension of a session or legislative organization or procedures), must be filed with the Office of the Chief Clerk by noon.

April 12— LAST DAY TO NOTICE A BILL FOR RECONSIDERATION: After April 12, no bill may be retained for reconsideration in a council or committee.

April 28— LATE SESSION AMENDMENT DEADLINES: Main floor amendments must be filed no later than 2 hours before session. Amendments to main floor amendments and substitute amendments for main floor amendments must be filed no later than 1 hour after the main floor amendment deadline.

April 28— No House bills on second reading are considered by the House.

May 1— The House considers only: Senate Messages, Conference reports, Concurrent resolutions.

May 2— Anticipated date of *Sine Die*.

- (8) Bills that only repeal or delete, without substantive replacement, provisions of the Florida Statutes or Laws of Florida.
- (9) Bills withdrawn from further consideration prior to the applicable filing deadline.

IDENTIFICATION. Each bill is given a number and filed with the Chief Clerk. House Bills are serially numbered in an odd-numbered sequence, except that bills of a similar type may be serially numbered separately. The Chief Clerk validates the original copy of each bill to ensure its identification as the item introduced in order to prevent unauthorized or improper substitutions.

LOCAL BILL REQUIREMENTS. If the substance of a local bill can be enacted into law by action of the local governing body, the Committee on Urban & Local Affairs may not report the bill favorably. Hence, the Legislature will not enact local bills that can be enacted by the local entity. All local bills, including local claim bills, must either, as required by Section 10 of Article III of the Florida Constitution, embody provisions for a ratifying referendum (stated in the title as well as in the text of the bill) or be accompanied by an affidavit of proper advertisement, securely attached to the original bill ahead of its first page.

READINGS. Pursuant to the Florida Constitution, each bill and each joint resolution must be read by title on three separate days prior to a vote upon final passage.⁵ However, the Florida Constitution provides that the requirement that a bill must be read on three separate days may be waived by a two-thirds vote. Publication of a bill or joint resolution by its title in the *Journal* satisfies the requirements of first reading.⁶ The bill may also be introduced and read a first time by title during session.

REFERRAL TO COUNCILS. Bills, upon filing or introduction, whether House or Senate, may be referred by the Speaker to one or more councils or to the Calendar of the House. The Speaker determines the order of council references. There are nine standing councils of the House. Of the nine councils, seven cover broad areas of legislation focused on economic expansion, the environment, governmental efficiency and accountability, health-care, employment, safety, and education.⁷ Each of these councils has four committees under its jurisdiction.⁸ The Policy & Budget Council typically addresses legislation that has a fiscal impact⁹ and the Rules & Calendar Council typically addresses procedural issues or legislative organization.

THE BILL IN COUNCIL

REFERENCES WITHIN A COUNCIL. Specific to the 2007-2008 Sessions, the council chair may refer a bill to one or more committees within the council or the council chair may keep the bill within the jurisdiction of the council itself.¹⁰ If the bill is referred to more than one committee, the order of reference is determined by the council chair.

REVOCATION OF REFERENCE. The council chair can revoke a committee reference at any time except when the committee has noticed the legislation for a hearing. When a hearing is noticed, the reference may not be revoked until after the hearing has taken place.¹¹

Committee Consideration

COMMITTEE MEETINGS. The committee chair establishes the meeting agenda, determines the order by which bills are considered, recognizes members, and decides questions of order.¹² Committees may only meet during times authorized by the Speaker and the council chair. Any committee meeting to be held for the purpose of considering legislation must be publicly noticed. The notice will include the anticipated content of the meeting and proposed bills to be considered by the committee. A majority of committee members must be present to constitute a quorum necessary for the transaction of business.¹³ Additionally, the council chair may attend a committee meeting as an *ex officio* voting member although he or she is excluded for the purposes of determining whether a quorum is present.

CONSIDERATION OF LEGISLATION.

Typically, when members of the House meet in committee for the purpose of considering legislation, the bill sponsor will be present to explain the bill. Members of the public may be permitted to comment on the bill. Representatives may ask questions of the bill sponsor or others present who may have specialized knowledge in the subject matter under consideration.

AMENDMENTS IN COMMITTEE. Either prior to a committee meeting or during the presentation of a bill, members of the committee may submit amendments to the bill for consideration. Also, any member of the House may offer an amendment to a particular bill if the amendment is submitted by 6 p.m. (excluding weekends and holidays) of the day prior to the meeting. If there is less than 24 hours of notice for the proposed bill, the amendment can be offered one hour before the committee convenes.¹⁴

PARLIAMENTARY PRACTICE IN COMMITTEE. The Rules of the House regulate the practice of parliamentary procedure in committee meetings. Motions to temporarily postpone, to amend and to adjourn are commonly raised in committee meetings.¹⁵ Members are also permitted to raise points of order relative to the adherence to House Rules. Members may not waive the Rules of the House in committee. Nevertheless, committee chairs have broad latitude relative to their interpretation of the Rules of the House.¹⁶

QUESTIONS OF ORDER ARISING IN COMMITTEE. A question of order may be certified by a committee chair to the Speaker for determination as any other question of order raised during the legislative session. A question of order decided in committee by the chair may be appealed to the Speaker, provided the appeal is announced in the committee meeting and presented in writing, signed by two members of the committee, and delivered to the committee chair prior to 4:30 p.m. the next day.¹⁷ The appeal must then be immediately certified by the committee chair to the Speaker, who shall decide the question as any other question of order. The certification or appeal of a question in committee does not prohibit the committee from moving forward relative to the consideration of the issue that has been appealed.¹⁸

VOTING IN COMMITTEE. Every vote on final consideration of a bill in committee is taken by the yeas and nays, and the names of the members voting for or against, as well as the members absent, are recorded on the committee report. Also, upon the request of any two members, the vote of each member may be recorded on any question. All such votes are to be conveyed with the committee report.¹⁹

COMMITTEE REPORTS. A committee can report a House bill unfavorably, favorably, favorably with amendments, or favorably with a recommended council substitute. A bill may not be reported without recommendation. A motion to lay a bill on the table shall be construed as a motion to report the bill unfavorably.²⁰ Committees may not initiate proposed or substitute bills. A recommendation for a council substitute is not binding on the council.

RECONSIDERATION. When a main question has been decided by a committee, any member voting with the prevailing side or in the case of a tie any member that voted may move for reconsideration.²¹ Any motion to reconsider a collateral matter must be disposed of during the course of consideration of the main subject to which it

is related.

NOTICE OF RECONSIDERATION. Any member voting on either side on passage or defeat of a bill can serve notice that the bill be retained through the next committee meeting for the purpose of reconsideration. The amount of time between meetings can be used to gather support for or against the proposition in question. However, no bill can be retained under this provision after the 40th day of regular session or during any extended or special session.²²

At the next committee meeting, if the committee refuses to reconsider or upon reconsideration the committee confirms its prior decision, no further motion to reconsider will be in order except upon unanimous consent of the committee members present.²³

MOTION TO REPORT THE BILL IMMEDIATELY. A notice that a bill should be retained for the purpose of reconsideration at the next committee meeting may be set aside by a motion to report the bill immediately. This motion requires a two-thirds vote for adoption.

Parliamentary Tactic

In the event that a member anticipates that another council or committee member will serve notice of reconsideration, the member may move for reconsideration knowing that the motion will fail. If this is done in a committee, it will result in the bill being reported to council immediately. If this action is taken in a council, it will result in the bill being reported to the Calendar of the House or the next council of reference immediately.

Council Consideration

COUNCIL MEETINGS. The council chair establishes the council meeting agenda, determines the order by which bills are considered, recognizes members, and decides questions of order.²⁴ Councils may convene within the date and times designated by the Speaker. Notice requirements are the same for councils and committees. A majority of council members must be present to constitute a quorum necessary for the transaction of business.²⁵ Additionally, either the Speaker pro tempore or the Majority Leader may attend a council meeting as an *ex officio* voting member with written designation of the Speaker. An *ex officio* voting member of a council is excluded for the purposes of determining whether a quorum is present.

CONSIDERATION OF LEGISLATION. In council, consideration of legislation proceeds as in committee.²⁶

AMENDMENTS IN COUNCIL. Amendment deadlines and process are the same in council as in committee.²⁷

COUNCIL BILLS. During the course of considering an issue, a council may determine that legislation has not been formally introduced to address a particular concern. In such cases, the council chair must submit a written request to the Speaker seeking approval to consider a proposed council bill. After a proposed council bill is approved, a council chair may assign the proposal to any committee within that council for recommendations. In introducing a proposed council bill, the chair must designate a member of the council or a member of a committee within that council as first-named cosponsor, with the approval of such member. Prior to formal approval by a council, the proposed bill must be made available on or before the meeting notice deadline.

COUNCIL SUBSTITUTES. A council may also introduce a council substitute covering the same general subject matter of one or more bills in possession of the council. If the original bill is noticed, then no further notice is necessary. However, if the council substitute is noticed in the manner required for proposed council bills, the original bill need not be noticed. Upon the reporting of a council substitute, the original bill or bills are laid on the table of the House. A council substitute is introduced and read a first time and is subject to referral by the Speaker on the day it is reported by the council provided it is approved for filing by 6 p.m., or no later than the following day (excluding Saturdays, Sundays, and official state holidays) if approved for filing after 6 p.m. A committee may recommend a council substitute, but may not introduce one.

IMPACT OF UNFAVORABLE COMMITTEE REFERENCE. If a committee votes to report a bill unfavorably to council, and the council does not address the bill at the subsequent council meeting, the bill will not be available for further consideration during the legislative session.

REVIVAL OF A BILL IN COUNCIL. At its next meeting, a council may choose to consider a bill that received an unfavorable committee reference. A member of the council may move to take the bill from the table and by majority vote the bill will be available for further consideration. The council chair then has the option to refer the bill back to committee or hold the bill in council. The

council can vote to report the bill favorably if the bill is noticed prior to its consideration at the council meeting.

SECOND READING. A bill referred to council must be reported favorably by a council before it is available for consideration by the House.

PARLIAMENTARY PRACTICE IN COUNCIL. Parliamentary practice in councils proceeds as in committees.²⁸

QUESTIONS OF ORDER ARISING IN COUNCIL. A question of order is addressed the same as in committee.²⁹ The certification or appeal of a question does not prohibit the council from moving forward relative to the consideration of the issue that has been appealed.³⁰

VOTING IN COUNCIL. Same as in committee.³¹

COUNCIL REPORTS. A council may report a House bill unfavorably, favorably, or favorably with a council substitute. A bill may not be reported without recommendation. A motion to lay a bill on the table shall be construed as a motion to report the bill unfavorably.³² An unfavorable report has the effect of laying the bill on the table of the House, effectively killing the measure.

RECONSIDERATION. Same as in committee.³³

NOTICE OF RECONSIDERATION. Same as in committee.³⁴

MOTION TO REPORT THE BILL IMMEDIATELY. Same as in committee.³⁵

WITHDRAWAL FROM POLICY & BUDGET COUNCIL. A bill in the possession of the Policy & Budget Council that has been amended by report from a council of previous reference to remove its fiscal impact may be withdrawn from the Policy & Budget Council on a point of order raised by the Chair or Vice Chair of the Policy & Budget Council.

THE CALENDAR SYSTEM

Once a bill has been given a favorable report from every council of reference, it is placed on the Calendar of the House, available for second reading. A bill is not given a second reading unless it is included in a special order adopted by the Rules & Calendar Council.

SPECIAL ORDER CALENDAR.³⁶

REGULAR SESSION. During the course of regular session, the Rules & Calendar Council will periodically submit a Special Order Calendar determining the sequence for consideration of legislation. The Special Order Calendar may include bills on second reading, bills on unfinished business, resolutions, and specific sections for local bills, trust fund bills, and bills to be taken up at a time certain.

Upon adoption of a Special Order Calendar, no other bills shall be considered for the time period set forth for that Special Order Calendar, except that any bill appearing on that Special Order Calendar may be stricken from it by a majority vote or any bill may be added to it upon a two-thirds vote of the House.

REQUIREMENTS FOR PLACEMENT ON SPECIAL ORDER CALENDAR. No measure may be placed on a Special Order Calendar until it has been reported favorably by each council of reference and is available for consideration on the floor.

WRITTEN APPLICATION FOR CONSIDERATION. Any council, committee, or member may apply in writing to the Chair of the Rules & Calendar Council to place a bill on the Special Order Calendar. The Rules & Calendar Council may grant such requests by a majority vote.

FIRST 55 DAYS OF REGULAR SESSION. During the first 55 days of a regular session, the Special Order Calendar is published in two Calendars of the House, and it may be taken up on the day of the second published Calendar. For example, if a bill is to be heard on Friday, it must appear on the Special Order Calendar for Thursday and Friday of that week.

After the 55th day of a regular session, the Special Order Calendar is published in one Calendar of the House and may be taken up on the day the Calendar is published.

EXTENDED OR SPECIAL SESSION. If the Legislature extends a legislative session, all bills on the Calendar of the House at the time of expiration of the regular session are placed in the Rules & Calendar Council. In both extended and special sessions, all bills reported favorably by the last council of reference are placed in the Rules & Calendar Council. The Special Order Calendar is published in one Calendar of the House and bills thereon may be taken up on the day the Calendar is published.

BILLS NOT INCLUDED ON THE SPECIAL ORDER CALENDAR. A bill not included on the Special Order Calendar may be considered by the House

upon a two-thirds vote.

CONSENT CALENDAR. The Rules & Calendar Council may submit Consent Calendar procedures to expedite the consideration of noncontroversial legislation.

AMENDMENTS AND READINGS. A motion to amend is in order during the second or third reading of any bill. Importantly, an amendment requires a majority vote for adoption on second reading, but amendments proposed on third reading require a two-thirds vote for adoption. Technical amendments introduced in the name of the Rules & Calendar Council on third reading are exempt from this provision and require a majority vote for adoption.

THIRD READING. Bills on third reading may be taken up in the order in which the House concluded action on them on second reading. Before any bill is read the third time, whether amended or not, it is referred without motion to the Engrossing Clerk for examination and, if amended, the engrossing of amendments.

ORDER OF BUSINESS

DAILY ORDER OF BUSINESS DURING THE FIRST 45 DAYS OF REGULAR SESSION. The Rules specify the following order for the daily conduct of House business:

- (1) Call to Order.
- (2) Prayer.
- (3) Roll Call.
- (4) Pledge of Allegiance.
- (5) Correction of the *Journal*.
- (6) Communications.
- (7) Messages from the Senate.
- (8) Reports of Standing Councils.
- (9) Reports of Select Committees.
- (10) Motions Relating to Council and Committee References.
- (11) Matters on Reconsideration.
- (12) Bills and Joint Resolutions on Third Reading.
- (13) Special Orders.
- (14) House Resolutions.
- (15) Unfinished Business.
- (16) Introduction and Reference.

Within each order of business, the House considers matters in the order in which they appear on the daily printed Calendar of the House. This order may be modified by a House vote to suspend the Rules.

SPECIAL SESSIONS. During special sessions, the order of business of Introduction and Reference immediately follows the order of business of Correction of the *Journal*.

AFTER DAY 45 OF SESSION. After the 45th day of a regular session, by a majority vote, the House may, on motion of the Chair or Vice Chair of the Rules & Calendar Council, move to Communications, Messages from the Senate, Bills and Joint Resolutions on Third Reading, or Special Orders. The motion may provide which matter on such order of business may be considered.

FLOOR CONSIDERATION

SPECIAL FLOOR PROCEDURES. Upon the joint recommendation of the Majority Leader and the Minority Leader, the Rules & Calendar Council may recommend special floor procedures for the management of amendments and debate on a particular bill, on second and third readings, which procedures may include limitations on amendments and debate. Such procedures may not be implemented unless approved by a majority vote in session.

DEBATE ON THE HOUSE FLOOR. A member may not speak more than once nor occupy more than 15 minutes in debate on a question. A member who has the floor may not be interrupted by another member for any purpose, save the privilege of the House, unless he or she consents to yield to the other member. The member presenting a bill or motion has the right to open and close the debate and, for this purpose, may speak each time up to 10 minutes. Debate may be further limited by majority vote of the House.

RECOGNITION. There is no appeal of the Speaker's recognition of members, but the Speaker is governed by the Rules and usage in priority of entertaining motions from the floor. When a member seeks recognition, the Speaker may ask, "For what purpose does the member rise?" or "For what purpose does the member seek recognition?"

A member desiring to interrupt another in debate should first address the Speaker for the permission of the member speaking. The Speaker then asks the member who has the floor if he or she wishes to yield and then announces the decision of that member. The decision to yield is within the speaking member's discretion.

MOTIONS. During House debate, only certain

motions may be considered. The order of preference of these motions is:

- (1) TO ADJOURN AT A TIME CERTAIN.
- (2) TO ADJOURN.
- (3) TO RECESS TO A TIME CERTAIN.³⁷
- (4) TO LAY ON THE TABLE.³⁸
- (5) TO RECONSIDER.³⁹
- (6) FOR THE PREVIOUS QUESTION.⁴⁰
- (7) TO LIMIT DEBATE.⁴¹
- (8) TO TEMPORARILY POSTPONE.⁴²
- (9) TO POSTPONE TO A DAY OR TIME CERTAIN.
- (10) TO REFER TO OR TO RECOMMIT COUNCIL OR COMMITTEE.⁴³
- (11) TO AMEND.⁴⁴
- (12) TO AMEND BY REMOVING THE ENACTING OR RESOLVING CLAUSE.

QUESTIONS OF ORDER. All procedural questions of order arising after a motion is made for any of the motions named above, and pending that motion, are decided by the Speaker without debate, whether on appeal or otherwise; however, the Speaker may ask the House for comment. This reduces interruption.

DIVISION OF A QUESTION. In the event that a question before the House is compound, any member may call for a division of a question.

DILATORY MOTIONS. Dilatory or delaying motions are not in order.

WITHDRAWAL OF MOTIONS. The mover of a motion may withdraw the motion at any time before it has been amended or a vote on it has commenced.

AMENDMENTS DURING FLOOR DEBATE

FORM OF AMENDMENTS. Floor amendments are prepared by the House Bill Drafting Service and filed with the Chief Clerk.

AMENDMENT DEADLINES DURING THE FIRST 55 DAYS OF REGULAR SESSION. Main floor amendments must be approved for filing by 2 p.m. of the first day a bill appears on the Special Order Calendar in the

Calendar of the House; and amendments to main floor amendments and substitute amendments for main floor amendments must be approved for filing by 5 p.m. of the same day.

AMENDMENT DEADLINES AFTER THE 55th DAY OF REGULAR SESSION AND DURING EXTENDED OR SPECIAL SESSION. Main floor amendments must be approved for filing not later than two hours before session is scheduled to convene on the day a bill appears on the Special Order Calendar in the Calendar of the House; and amendments to main floor amendments and substitute amendments for main floor amendments must be approved for filing not later than one hour after the main floor amendment deadline.

LATE-FILED FLOOR AMENDMENTS. A late-filed floor amendment may be taken up for consideration only upon motion adopted by a two-thirds vote.

CONSIDERATION OF AMENDMENTS. Amendments are taken up only as sponsors gain recognition from the Speaker to move their adoption, except that the chair of the council (or any member thereof designated by the chair) reporting the measure under consideration shall have preference for the presentation of council amendments to Senate bills. An amendment to a pending main amendment may be received, but until it is disposed of no other motion to amend will be in order except a substitute amendment or an amendment to the substitute. Such amendments are disposed of in the following order:

- (1) Amendments to the amendment are voted on before the substitute is taken up. Only one amendment to the amendment is in order at a time.
- (2) Amendments to the substitute are next voted on.
- (3) The substitute then is voted on. The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

FURTHER AMENDMENT. The adoption of an amendment to a section does not preclude further amendment of that section. If a bill is being considered section by section or item by item, only amendments to the section or item under consideration are in order. For the purpose of floor procedure, an amendment is deemed pending only after its sponsor is recognized by the Speaker and has moved its adoption.

IMPACT OF THE REMOVAL OF ESSENTIAL CLAUSES. An amendment to remove the enacting clause of a bill or the resolving clause of a resolution or

memorial shall, if carried, be considered equivalent to rejection of the bill, resolution, or memorial by the House.

AMENDMENTS THAT ARE NOT IN ORDER. An amendment is out of order if it is the principal substance of a bill that has:

- (a) received an unfavorable council report,
- (b) been withdrawn from further consideration,
or
- (c) not been reported favorably by at least one council of reference,

Any amendment that is substantially the same, and identical as to specific intent and purpose, as a measure residing in the council or councils of reference is covered by this rule.

GERMANITY. An amendment that relates to a different subject or is intended to accomplish a different purpose than that of the pending question or that, if adopted, would require a title amendment for the bill that is substantially different from the bill's original title, or that would unreasonably alter the nature of the bill is not germane and is out of order. During floor debate, the Speaker or the Chair shall determine the germanity of any amendment when the question is timely raised.

REFERENCE TO POLICY & BUDGET COUNCIL IN THE EVENT OF AN ADOPTED AMENDMENT IMPACTING APPROPRIATIONS OR TAXATION. If an amendment adopted on the floor of the House affects an appropriation or a tax matter, upon a point of order made by the Chair or Vice Chair of the Policy & Budget Council, the bill, with the amendment, may be referred by the Speaker to an appropriate council. If the bill, as amended on the floor, is reported favorably without further amendment, it shall be returned to the same reading as when referred. If the bill, as amended on the floor, is reported favorably with further amendment, it shall be returned to second reading.

GERMANITY AND SECOND DEGREE AMENDMENTS. An amendment of the second degree or a substitute amendment must be germane to both the main amendment and the measure to which it adheres. An amendment to the second degree is an amendment to a main amendment.

WAIVER OF GERMANITY RULE. Waiver of this rule shall require unanimous consent of the House.

OTHER FLOOR PROCEDURES

VOTING. Every member, unless excused or necessarily prevented, is expected to be within the Chamber during its sittings and to vote on each question put. The Speaker declares all votes, but if any member rises to doubt a vote, upon a showing of hands by five members, the Speaker takes the sense of the House by oral or electronic roll call. When taking the yeas and nays on any question, the electronic roll-call system is used and has the force and effect of an oral roll call. This system likewise is used to determine the presence of a quorum.

EXPLANATION OF

VOTE. A member may not explain his or her vote during a roll call, but may reduce his or her explanation to writing, in not more than 200 words in an electronic format. Upon being filed with the Chief Clerk, this explanation is spread upon the *Journal*.

RECONSIDERA-

TION. After a question has been voted on, the House may reconsider it. Any member who voted on the prevailing side or any member in the case of a voice or tie vote, may move to reconsider the vote, either on the day of the vote or on the next legislative day. The motion to reconsider requires a majority vote for adoption, and such motion shall not be renewed on any proposition after once being considered by vote of the House, except by unanimous consent. The Chief Clerk retains possession of all bills and joint resolutions for the period after passage during which reconsideration may be moved, except that local bills, concurrent resolutions, and memorials are immediately transmitted to the Senate. The adoption of a motion to waive the rules and immediately certify any bill to the Senate is construed as releasing the measure from the Chief Clerk's possession for the period of reconsideration.

COMPANION MEASURES. A companion Senate bill must be substantially similar in wording, and identical as to specific intent and purpose, to the House bill for which it is being substituted. Whenever a House bill is reached on the floor for consideration, and there is also pending on the Calendar of the House a companion bill already passed by the Senate, it is normal practice to adopt a motion substituting the Senate companion bill for the

House bill. Such motion is adopted by a majority vote, provided the Senate bill is on the same reading; otherwise, the motion is to waive the rules by a two-thirds vote and substitute such Senate bill. At the moment the House substitutes the Senate companion bill in lieu of a House bill, the House bill is automatically tabled.

WAIVING THE RULES. The House can suspend its rules with a two-thirds vote of the members.

SENATE RECONCILIATION

SENATE MESSAGES. Bills that pass the House are often amended by the Senate. Once the Senate amends a House bill, it is returned to the House in the form of a "Senate Message." The Senate amendment to the House bill presents several choices to the House relative to how to proceed to passage of the bill under consideration. The House may concur in the Senate amendment, and then vote for final passage of the bill as amended. The House may take one of the following courses of action that would require further Senate action before the ultimate passage of the bill: The House could amend the Senate amendment, refuse to concur in the Senate amendment and ask that the Senate recede from its amendment, or the House could request that the Senate recede and if the Senate refuses to recede appoint a conference committee to address differences between the House and the Senate.

The Speaker may refer a Senate amendment to a House bill to the appropriate House council or committee for review and report to the House. The council or committee shall report to the House the recommendation for disposition of the Senate amendment or amendments under one of the options discussed above.

CONFERENCE COMMITTEES. When differences exist relative to the passage of legislation passed in different form by both the House and the Senate, a conference committee of the House may meet with a Senate conference committee in an effort to resolve differences and to pass identical legislation so that it may be signed by the Governor and become law.

The Speaker determines the number of House managers needed for all conference committees. A conference committee report requires the affirmative vote of a majority of the managers on the part of each house. Such reports may recommend action on amendments previously adopted by the House or Senate, recommend action on additional compromise amendments, or offer an amendment deleting everything after the enacting clause. New amendments recommended by the conference committee may accompany the report.

The receiving of conference committee reports are

Parliamentary Tactic

A member who wishes to prevent the reconsideration of a measure may, with the assistance of another member, move first to reconsider and then to lay the motion to reconsider on the table. This motion requires a majority vote for approval. If approved, the motion blocks any later motion to reconsider the vote in question.

always in order, except when the House is voting on any proposition. When House managers report inability of a conference committee to agree, no action of the House taken prior to such appointment precludes further action by the House as the House may determine. In other words, the House may revisit concurrence with the Senate position.

AMENDMENTS TO CONFERENCE REPORT ARE OUT OF ORDER. When the motion to accept the conference committee report in its entirety is under consideration, no amendment is in order.

PASSAGE BY BOTH HOUSES. The House and Senate both must pass identical legislation by the required vote.⁴³

ENROLLING. Once the House and the Senate have passed the same bill, the bill is enrolled. The enrolled bill is engrossed in final form, as passed by both the House and the Senate, and signed by the Speaker of the House and the President of the Senate. In addition, the enrolled bill is attested to by the Secretary of the Senate and the Chief Clerk of the House, confirming the authenticity of the executed document and that the executed document accurately reflects the legislation that was passed by their respective house.

THE GOVERNOR'S ROLE

The enrolled bill is then presented to the Governor for consideration. The Governor has three choices when considering legislation: sign the legislation agreeing to the enactment, not sign the legislation, or veto the legislation.

EFFECT OF THE GOVERNOR'S SIGNATURE ON LEGISLATION. If the Governor approves and signs the bill, the bill is filed with the Secretary of State and becomes effective law pursuant to its terms.

IMPACT OF THE GOVERNOR'S FAILURE TO SIGN LEGISLATION. If during the course of the legislative session, the Governor fails to sign a bill and does not veto it within the period allowed, the bill becomes law.

VETO. During session, the Governor has 7 days to veto a bill. If session is adjourned, the Governor has 15 days to veto a bill. In all cases except general appropriation bills, a Governor's veto extends to the entire bill. This strikes the entire bill preventing the bill from becoming law unless the Legislature overrides the Governor's veto.

LINE-ITEM VETO. Whenever both houses of the Legislature pass an appropriations bill, defined as a legal

authorization to make expenditures for specific purposes within the amounts authorized in the appropriations act, the Governor may use the line-item veto to veto any specific appropriation within the bill. However, the Governor may not veto any qualification or restriction without also vetoing the appropriation to which it relates. The line-item veto strikes the specific appropriation, preventing the specific appropriation from becoming law unless the Legislature overrides the Governor's veto.

RESULT OF A VETO. During the course of a legislative session, if a bill or any specific appropriation of a general appropriation bill has been vetoed, the Governor will send the signed objections to the house in which the bill originated. If the Legislature is not in session, the Governor shall file the vetoed bill with the Secretary of State, who will present the vetoed bill to the house where the bill originated at its next regular or special session, whichever occurs first. The originating house shall enter the vetoed bill in its *Journal*.

VETO OVERRIDE. If the Governor has vetoed a bill, each chamber of the Legislature may by a two-thirds vote override the Governor's veto. Each member's vote is entered on the respective chamber's *Journal*, and the bill becomes law or the specific appropriation is reinstated, the Governor's veto notwithstanding.

EFFECTIVE DATE OF BILLS. Each bill that becomes a law takes effect on the 60th day after adjournment *sine die* of the session of the Legislature that enacted the law. If the law is passed over the veto of the Governor, the law takes effect on the 60th day after adjournment *sine die* of the session in which the veto is overridden, on a later date fixed in the law, or on a date fixed by resolution passed by both houses of the Legislature.

NOTES

1. See Article III, Section 6 of the Florida Constitution.
2. See, *Franklin v. State*, 887 So. 2d 1063 (Fla. 2004); see also, *Ray v. Mortham*, 742 So. 2d 1276 (Fla. 1999); *State ex rel. Lichtenstein v. Coleman*, 133 Fla. 717 (Fla. 1938).
3. An Act must only embrace one subject and matter properly connected therewith pursuant to Article III, Section 6 of the Florida Constitution.
4. See Rule 5.4 (b).
5. See Article III, Section 7 of the Florida Constitution.
6. Concurrent resolutions and memorials must be read on two separate days prior to a voice vote upon adoption. Although, concurrent resolutions extending a legislative session or involving other procedural legislative matters may be read twice without motion on the same legislative day. A House resolution must receive two readings by title only prior to a voice vote upon adoption. Ceremonial resolutions may be shown as read in full and adopted by publication in the *Journal* with the approval of the Chair of the Rules & Calendar Council. The Rules & Calendar Council distributes a list of such resolutions one day (excluding Saturdays, Sundays, and official state holidays) prior to the day of their publication, during which time any member may file an objection with the Rules & Calendar Council to any resolution listed. Each resolution for which an objection has been filed is removed from the list and placed on the Calendar of the House. All resolutions without objections are printed on the next legislative day in the *Journal* and considered adopted by the House.
7. Councils for the 2006-2008 term: Economic Expansion & Infrastructure, Envi-

ronment & Natural Resources, Government Efficiency & Accountability, Healthcare, Jobs & Entrepreneurship, Policy & Budget, Rules & Calendar, Safety & Security, Schools & Learning.

8. Committees for the 2006-2008 term: Committees under the jurisdiction of the Economic Expansion & Infrastructure Council (Economic Development, Ethics & Elections, Infrastructure, Tourism & Trade), Committees under the jurisdiction of the Environment & Natural Resources Council (Agribusiness, Conservation & State Lands, Energy, Environmental Protection), Committees under the jurisdiction of the Government Efficiency & Accountability Council (Audit & Performance, Military & Veterans' Affairs, State Affairs, Urban & Local Affairs), Committees under the jurisdiction of the Healthcare Council (Health Innovation, Health Quality, Healthy Families, Healthy Seniors), Committees under the jurisdiction of the Jobs & Entrepreneurship Council (Business Regulation, Financial Institutions, Insurance, Utilities & Telecommunications), Committees under the jurisdiction of the Safety & Security Council (Constitution & Civil Law, Courts, Homeland Security & Public Safety, Juvenile Justice), Committees under the jurisdiction of the Schools & Learning Council (21st Century Competitiveness, Education Innovation & Career Preparation, K-12, Postsecondary Education).
9. The Policy & Budget Council also prepares the General Appropriations Bill.
10. See Rule 6.7.
11. See Rule 6.7.
12. See Rule 7.3.
13. See Rule 7.13.
14. See Rule 7.12.
15. See Rule 11.2(a).
16. See Rule 11.2.
17. Excluding Saturdays, Sundays, and official state holidays.
18. See Rule 2.3(b).
19. See Rule 7.15.
20. See Rule 7.17.
21. See Rule 7.16(a).
22. See Rule 7.16(b).
23. See Rules 7.16(c), (e), and (f).
24. See Rule 7.3.
25. See Rule 7.13.
26. See Rule 7.9.
27. See Rule 7.12.
28. See Rule 11.2.
29. Excluding Saturdays, Sundays, and official state holidays.
30. See Rule 2.3(b).
31. See Rule 7.15.
32. See Rule 7.17.
33. See Rule 7.16(a).
34. See Rule 7.16(b), (c), (e), and (f).
35. See Rule 7.16.
36. See Rule 10.11.
37. See Rule 11.5.
38. See Rule 11.6.
39. See Rule 11.7.
40. See Rule 11.8.
41. See Rule 11.9.
42. See Rule 11.10.
43. See Rule 11.12.
44. See Rule 12.

The following is a non-exhaustive list of types of bills or actions that require an extraordinary vote in the House:

- Constitutional amendment by joint resolution: 3/5 of membership.
- Expel member: 2/3 of membership.
- Impeach officer: 2/3 of members voting.
- Income tax (corporate) over 5%: 3/5 of membership.
- Repeal Rules of Practice and Procedure in all courts: 2/3 of membership.
- Local laws (add prohibited subject): 3/5 of membership.
- Municipality or county mandates: 2/3 of membership.
- Public records and meetings (exempt access): 2/3 of members voting.
- Read bill in full: 1/3 of members voting.
- Extend session: 3/5 of members voting.
- Admit legislation outside call of special session: 2/3 of membership.
- Trust funds: 3/5 of membership.
- Vetoed bills (to override): 2/3 of members voting.
- Waive readings on separate days: 2/3 of members voting.

Office of the Parliamentarian

Leonard M. Collins
515 The Capitol
(850) 413-8949



To the extent that you have any questions relative to the contents of this document or relative to parliamentary practice in general, please feel free to contact the Office of the Parliamentarian.

How a Bill Becomes a Law

FLORIDA HOUSE OF REPRESENTATIVES

2006-2008



This diagram displays the flow of events from the time a bill is introduced in the Florida House of Representatives to final passage and transmittal to the Governor.